

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE-OPELOUSAS DIVISION

MARILYN MARIE MONTEILH, : DOCKET NO. 65-10912  
: :  
Plaintiff, : :  
vs. : December 6, 2007  
: :  
SCHOOL BOARD OF ST. LANDRY PARISH, : :  
: :  
Defendant. : Lafayette, Louisiana

---

REPORTER'S OFFICIAL TRANSCRIPT OF THE STATUS CONFERENCE  
BEFORE THE HONORABLE TUCKER L. MELANCON  
UNITED STATES DISTRICT JUDGE.

APPEARANCES: MARION OVERTON WHITE  
Law Office of Marion Overton White  
511 E. Landry St.  
Opelousas, LA 70570

LISA M. TAYLOR  
U.S. Department of Justice  
Civil Rights Division  
601 D. St. NW  
Washington, D.C. 20580

KATHERINE W. VINCENT  
U.S. Attorney's Office  
800 Lafayette St., Ste. 2200  
Lafayette, LA 70501

ADAM GERARD CASWELL  
Attorney at Law  
P.O. Box 1600  
Eunice, LA 70535

REPORTED BY: LARAE BOURQUE, RPR, CRR  
United States Court Reporter  
800 Lafayette Street, Ste. 3103  
Lafayette, Louisiana 70501

## P R O C E E D I N G S

(Call to order of the court.)

THE COURT: All right. The next matter before the Court is Civil Action Number 65-10912, *Monteilh vs. the St. Landry Parish School Board*.

This is a special status conference that the Court set to consider the motion that was filed by the United States for a status conference, and the -- that's Record Document Number 176 of this proceeding, as well as the progress that the school board has made, if any there be, since the last time we were all here together.

And the issues as I perceive them to be, based on a reading of the transcript of our September 20<sup>th</sup>, 2007, meeting, are personnel, which is a *Green* factor, personnel, which has been partially met with the exception of principals and support staff, quality of education, and the biggest remaining factor under quality of education is the disproportionality between the African-American and Caucasian students with special needs, and that will bring me to another subject that I'm going to mention that I've turned over to the United States Justice Department for investigation, as well as facilities and student population.

And I said at our hearing back in September that because of the geography and size of St. Landry Parish, these two factors, facilities and student assignment, are inextricably intertwined. That's true in any school desegregation case or

1 most, but certainly more so in a parish of the rural nature of  
2 St. Landry and the size of the parish.

3           And the school board will recall, school board members  
4 -- and I don't know if Superintendent Nassif was on board yet or  
5 not. I think he was, but he might not have been, but in this  
6 very courtroom on the record I indicated that I had appointed a  
7 biracial committee of people who were St. Landry Parish residents  
8 whose, in the judge's view, integrity and reputation in the  
9 community were beyond reproach and who were knowledgeable in the  
10 field of education and were natives of St. Landry Parish, to  
11 devise a plan so that the school board would have something to  
12 work with as far as facilities, which schools would remain open,  
13 which schools would be closed, and where new schools would be  
14 built in the future going forward.

15           That report has been generated. It has been submitted  
16 to the Justice Department. The Justice Department is looking at  
17 it now, and if they have any tweaking they want to do of that  
18 plan, they will get back with me and I'll look at it and I'll get  
19 with my committee and we'll see whether or not it can be tweaked,  
20 and after it met Justice Department's approval, it will be  
21 submitted to the superintendent for his perusal and suggestions  
22 with whoever he wants to share it with in his -- on the staff.

23           I think it would be a staff issue at that point because  
24 it's a work in progress, after which that proposal would be  
25 submitted to the school board to approve, reject, modify,

1 whatever they wanted to do with it. And assuming that they came  
2 up with a constitutional -- either accepted the plan that would  
3 be constitutional as tendered to them or came up with a  
4 constitutional plan alternative to what they had been submitted  
5 with, then we'd get that big issue out of the way.

6 And by the facilities being straightened out and out of  
7 the way, it would lead us into the student assignment, which  
8 ought to take care of itself because it would be kind of  
9 dovetailed about where the kids would go depending on where the  
10 schools are.

11 And if the school board in its wisdom, or lack thereof,  
12 could not come up with a -- didn't accept the plan submitted to  
13 them or come up with a constitutionally acceptable alternative,  
14 then I suspect, based on the government's -- my belief, the  
15 government's representation and my belief, that St. Landry would  
16 find itself in a pretty similar situation to where Evangeline  
17 Parish is right now.

18 They would put it on my plate, and after discovery and  
19 a hearing, I'd make the decision about where the schools were  
20 going to be and where the children were to go. I don't want to  
21 do that, but it is going on 43 years, ladies and gentlemen.

22 And I don't mind telling you I am -- I used to could  
23 read the newspapers and read the transcripts of the minutes. I  
24 can't tell what's going on in the school board right now, and if  
25 people who are local there have got a better feel for it, God

1 bless you. And I talked to somebody not long ago who said that,  
2 Judge, I've been watching the various school boards for St.  
3 Landry Parish over 40 years. I don't know what's going on. I  
4 don't know where the alignments are now. I'm not sure what's  
5 going on.

6 And, again, that's really not my business except if it  
7 affects this case, and I've got to tell you, ladies and gentlemen  
8 of the board, the ball is so much in y'all's court right now.  
9 It's not the government. It's not the judge. It's not the  
10 original plaintiff.

11 And, again, my perception -- and my perception is like  
12 all of our perceptions. I guess it gets to be our reality. I  
13 just don't understand because I said at the last meeting that I  
14 had probably -- I wasn't going to do it again, make a prediction  
15 when this case would terminate and I'd be able to sign off  
16 unitary. We were on the fast track. I think I did use the term  
17 several years ago that we're at warp speed trying to get rid of  
18 it. I was wrong. It didn't work out. And I said it was  
19 well-intentioned but probably not realistic to have made the  
20 prediction I did, and when I made it, I thought it would come to  
21 pass.

22 However, I don't mind telling y'all, good Lord willing,  
23 on February the 3<sup>rd</sup>, 2011, I'm taking senior status, and it will  
24 either be the next, which would be the fifth or the sixth  
25 life-tenured United States Judge who has this case. I fully

1 expect that the case will be over in one or two ways on all the  
2 *Green* factors, either because the school board would have done  
3 what it's supposed to do and I signed off on it or it wouldn't  
4 have done what it was supposed to do and it couldn't come up with  
5 a plan that at least seven of y'all could agree on that was  
6 constitutional and we had a hearing and we had had discovery,  
7 discovery and then a hearing. Then I'd make a finding and I'd  
8 make a ruling and I would decide all of these issues, and it  
9 would be the big bad federal judge in Lafayette making the  
10 people's elected representatives do something.

11 And, God knows, those of you who have been around here  
12 at all know whatever you think of me personally, and that doesn't  
13 matter, whatever you think of the wisdom or lack thereof I've  
14 ever shown in this case, and that doesn't matter. I think most  
15 of you realize I don't really care about telling you anything.  
16 I'm just doing my job.

17 It's time for y'all to put your politics aside or  
18 whatever else is going on now because, like I say, I can't figure  
19 it out. It doesn't matter that I know, but before I take senior  
20 status on February the 3<sup>rd</sup>, 2011, this case won't go to the next  
21 judge unless it's still on appeal on something that I've done if  
22 I had to do it because y'all wouldn't have gotten it over with.

23 And then I may just stay on to make sure when they  
24 affirm me because I suspect I probably will get it right on a  
25 case like this, not that I'm not that good or that smart, but

1 it's been 52 years now, 53 years coming since *Brown vs. the Board*  
2 was decided. This is really pretty easy law now. It's not brain  
3 surgery for a relatively slow judge like me. I'll probably get  
4 it right.

5 And it would be a shame, but, ladies and gentlemen, the  
6 ball is in y'all's court now. You really can't blame the Justice  
7 Department, but they're coming if y'all don't get it together.

8 Now, before I even let the lawyers introduce  
9 themselves, I take it -- I'm looking around here. I think all  
10 the members of the school board are here. We're not going to go  
11 through introducing each other. Ms. Eaglin is president. Am I  
12 correct that all your members are present?

13 MS. EAGLIN: Yes, sir.

14 THE COURT: Okay. And I would ask that the attorneys  
15 involved in the case, starting with the attorney for the original  
16 plaintiff, to go ahead and identify himself and then the  
17 government lawyer and the school board attorney.

18 MR. WHITE: Marion Overton White attending for the  
19 original plaintiff.

20 MS. TAYLOR: Good afternoon, Your Honor. Lisa Taylor  
21 representing the United States of America.

22 MS. VINCENT: Katherine Vincent representing the United  
23 States from the U.S. Attorney's Office.

24 MR. CASWELL: Gerard Caswell on behalf of the school  
25 board, Your Honor.

1           THE COURT: All right. Now, let me say -- and I see  
2 that the superintendent is here and his senior staff, and it's  
3 not necessary. I won't go ahead and let them introduce  
4 themselves today. It's not necessary for the purposes that we're  
5 here.

6           I just told the lawyers and I want the school board to  
7 know that there are two matters that I've turned over to the  
8 United States Department of Justice and the United States  
9 Attorney's Office for investigation.

10           One of them involves a situation at Port Barre  
11 Elementary related to a special needs situation on individual  
12 students that I personally spoke to the superintendent and the  
13 school board attorney about some months ago that remains  
14 unresolved for whatever reason. And I don't even care what the  
15 reason is. It's unresolved and that's most unfortunate. So I  
16 want the government to let me know as expeditiously as possible  
17 the results of that investigation.

18           The other thing is that the special needs issue is  
19 obviously related because that's one of the matters we still have  
20 out in this case, and even though it's not related to  
21 disproportionality in this instance, it just is another reason it  
22 cries out about why you need to have this addressed.

23           Now, I know the superintendent has put a program out.  
24 I've heard all kind of stories about that program from what I've  
25 read in the paper, what people have told me in letters. You

1 know, I don't know if the superintendent's plan is any good at  
2 all. I don't know. I know the former superintendent had a  
3 program. I'm sure it's sitting in the file.

4 If you don't like either one of those programs, ladies  
5 and gentlemen, make one up of your own that you can submit. Get  
6 seven of you together and do something because we can't get off  
7 of that, and this is an instance if you had -- if you had a  
8 program in place, I suspect what the government is getting ready  
9 to investigate probably wouldn't have happened or would have been  
10 resolved by now. And it really doesn't matter if you make them a  
11 facilitator, a coordinator, a supervisor or a director.

12 Now, I know there's a lot of issues going on out there  
13 and that's politics and I don't care about that. I really don't  
14 give a rat's. Y'all have got to get over this and do something.  
15 There's probably a lot of things that without board approval the  
16 superintendent might be able to do and appoint some go get 'em  
17 classroom teacher that we know has a good heart, enough  
18 experience, probably doesn't cost another dime, that it doesn't  
19 cost y'all approving anything, but something needs to happen.

20 And I'm going to strongly suggest to the superintendent  
21 to get this off center. If you can't get something passed that  
22 you want before this board by seven votes and if you can't go  
23 back to what the previous superintendent and what that  
24 administration had going, if you can't get that passed and they  
25 don't come up with something, do something. Take the bull by the

1 horns because I don't care what you do, board. I don't care.

2 The people judge y'all, not me, except as it affects this case.

3 This is affecting this case and that's wrong because I  
4 see in the paper y'all want to have -- talking about increasing  
5 pay for teachers, temporary teachers, having this extra payment  
6 that comes around from this fund that's set up for teacher pay.  
7 I mean, you've got to come put that on my plate because of the  
8 posture of this case after 42 and a half years. That's  
9 ridiculous. It's absolutely ridiculous, but it's not going to  
10 change unless y'all make it change, and whatever other issues  
11 y'all have, y'all get past them, please.

12 Again, it doesn't matter. It can be facilitator,  
13 coordinator, supervisor, director, someone who's an aggressive  
14 teacher who cares in his or her heart about kids. Just get on  
15 it.

16 The other thing that I've turned over to the government  
17 to investigate -- and, again, I don't want to make one more  
18 serious than the other, this other situation, because the facts  
19 of the special needs situation over at Port Barre, you couldn't  
20 have a worse factual situation in my view to tug at your heart.  
21 It's the human experience. That's the way life is sometimes, you  
22 know. You never know what kind of cards you're going to be dealt  
23 and how long you're going to be on the planet. We just do the  
24 best we can with each other.

25 Well, this situation will tug at anybody in this room's

1 heart. I don't care how old you are, if you're a man or a woman,  
2 black or white, if you've got a dog in the hunt, politically care  
3 about anything, but the other situation is over at Krotz Springs.

4 Now, I don't know what's going on over there, and it  
5 may be all smoke and mirrors, but there's some most serious  
6 allegations about teachers and administration at that school as  
7 it relates to running out -- and I'll just say it -- running out  
8 black kids from that school. Now, it may not be true, any of it,  
9 but there's enough smoke there that got this boy's attention.

10 I want the government to go let me know, by God, and I  
11 want the United States -- the Federal Bureau of Investigation to  
12 go out there and I want people to go talk to FBI agents. And I'm  
13 trusting, believing that if federal laws have been violated, that  
14 the United States Attorney for this district will bring  
15 indictments, and if it's all smoke and mirrors and there's  
16 nothing to it, I just want the report and that will be the end of  
17 it, but this is 2007, ladies and gentlemen.

18 I mean, I don't -- I know we've got some parts of St.  
19 Landry Parish that are predominantly African-American or  
20 predominantly Caucasian or almost exclusively one or the other,  
21 but that's something that does fall right under my jurisdiction  
22 and I'm not going to tolerate that.

23 You know, the last man that I sentenced for burning a  
24 cross in this very courtroom got 13 and a half years in the  
25 federal penitentiary because I know what that means to an

1 African-American. And some of the allegations here -- and it  
2 might be kids, but kids don't know about that stuff unless  
3 they're hearing it from their parents or from their teachers or  
4 from something else. We can't live in that kind of world  
5 anymore. Those days are gone. So we've got those two  
6 investigations.

7 Now, Ms. Taylor, to the issue at hand. You filed this  
8 motion. Then I'll talk about what I've got to talk about, but  
9 your motion will probably dovetail pretty much what I want to  
10 talk about based on what I said last time, and that's your motion  
11 which is, as I said earlier, Record Document 176 of this  
12 proceeding that was filed on October 31<sup>st</sup>. So if you would, go  
13 ahead and address it in turn.

14 MS. TAYLOR: Yes, Your Honor.

15 The United States had filed a motion because we have  
16 some grave concerns about the lack of progress of the school  
17 board as relating to two very serious issues that we brought to  
18 their attention first three years ago.

19 The first issue is that of principal assignment, and I  
20 won't go in detail about that except that we believe that their  
21 assignment is inconsistent with their legal obligations and  
22 desegregation obligations.

23 And we understand there has been a change of  
24 administration, but at this point we are concerned about  
25 absolutely no progress being made, and at some point we will have

1 to move forward without any input from the school district.  
2 We've tried to be patient, but at some point we will have to take  
3 some proactive measures.

4 And specifically it appears that based on the data that  
5 the school district has provided, they do assign principals based  
6 on race, so that if it's a majority black school, they have a  
7 black principal, and if it's a majority white school, they have  
8 majority -- they will have a white -- excuse me. If it's a  
9 majority white school, they have a white principal. And, as I  
10 said, our concern is that this is inconsistent with the case law  
11 and we have cited that to the school district.

12 THE COURT: Let me just make this quick comment. I'm  
13 very familiar with this issue. This is one of the things like  
14 the disproportionality situation that -- you know, there's a lot  
15 of discussion between the lawyers in this case, school board  
16 lawyer and the government lawyer, original plaintiff lawyer, over  
17 the last several years.

18 I know there was a belief -- and on the surface you  
19 might say, well, wait, I don't understand. We've got more  
20 African-American principals now than Caucasian principals.  
21 That's the last time, you know, I looked at that and we talked  
22 about it. Well, how could it be that we're out of compliance  
23 with what the constitution or the case law interpreting the  
24 constitution of the United States said?

25 Well, the reason is it's not the number. It's where

1 you place the bodies. The idea of having an African-American  
2 principal at a formerly all white school or a Caucasian at a  
3 formerly all black school was because you wanted to try to get  
4 away from the racial identity of that facility. That's what the  
5 case law says bigger than Dallas.

6 And so if you've got, well, this used to be a  
7 predominantly white school and now it's predominantly black, and  
8 we've got some of those schools in your parish, and you've got a  
9 black principal there, well, have you done anything? Probably  
10 not. And if you've got a school that's 99.9 percent white or  
11 right now, for instance, a hundred percent white and you've never  
12 had an African-American principal, you can see why, wait,  
13 something's not jibing here, folks.

14 Now, again, this is not a little thing to the  
15 government. It's clear in the case law how it works. If the  
16 government has to do what the government has to do because the  
17 superintendent won't move people or the school board won't let  
18 the superintendent move people, they'll put it on my plate and  
19 then I'll do -- I'll do the moving.

20 And if somebody doesn't like it, they can file an  
21 appeal and take it down to the Fifth Circuit and the Fifth  
22 Circuit will -- you know, I can mess up anything, but I promise  
23 you this is like the alphabet. You know the alphabet before you  
24 can read. This is not brain surgery. Even a slow judge like me  
25 can get this right.

1           Anyhow, go ahead, Ms. Taylor.

2           MS. TAYLOR: Yes, Your Honor.

3           And the second issue was that of the quality of  
4 education of the school system and specifically as it relates to  
5 special education.

6           As the Court is aware, we first identified this problem  
7 over two years ago. However, we were informed November 29<sup>th</sup>,  
8 2007, that any plans to address our concerns were suspended.  
9 Obviously it's disconcerting given the fact that such a lengthy  
10 time has elapsed, particularly because as you pointed out  
11 earlier, there may be some outstanding concerns relating to  
12 special education, either students not being serviced  
13 appropriately or students who are of color being identified  
14 inappropriately or being disciplined at a greater rate.

15           So we were optimistic about there being some kind of  
16 progress being made to date. However, we have not seen any and  
17 that obviously is a concern of ours.

18           Lastly --

19           THE COURT: Wait. You said you were notified on  
20 November 29<sup>th</sup> that any plans to address the government's concerns  
21 were suspended. What does that mean?

22           MS. TAYLOR: Essentially there was a remedial plan  
23 proposed, as I understand it, by the superintendent, but at this  
24 time they have decided not to implement that plan.

25           THE COURT: All right. Okay. I understand what you

1 mean. That's what I alluded to earlier.

2 And I understand, ladies and gentlemen of the board,  
3 maybe the superintendent's plan isn't good. Maybe it's not the  
4 best plan. Maybe you want to go look at what the previous  
5 administration did. Maybe y'all want to come up with your own  
6 plan, but it can't sit here in the middle.

7 You've got to get seven votes to come up with a plan  
8 that meets constitutional muster. It would have to be submitted  
9 to Ms. Taylor and Mr. Marshall and Ms. Vincent and Mr. Washington  
10 and then they'll put it on my plate, and if your plan doesn't  
11 work, then they'll say, Judge, you go make a plan, this is what  
12 we suggest, and I can either take what they submit or I'll go  
13 make one up myself.

14 This is going back -- you know that movie with Michael  
15 J. Fox, Back to the Future? We're back to the future. We're  
16 going back to the 70's. This is what federal judges used to do  
17 all the time.

18 And I know a lot of people, probably some on the board,  
19 have not understood that I never wanted to play that role in this  
20 case. I tried. I didn't succeed, but I tried not to throw the  
21 lightning bolts that a federal judge can throw. You think it's  
22 been tough up to now? They are running out of patience. I held  
23 them off, they, the government, because I thought we were going  
24 down the road quickly.

25 Now, it didn't work out the way I hoped it would work

1 out for a lot of reasons, which is history. It doesn't matter.  
2 That's over with, but we're living in the now, ladies and  
3 gentlemen.

4 And I don't believe one of you would stand up and not  
5 say -- and maybe in your heart really believe -- all I care  
6 about, Judge, is what's best for the kids. I think you probably  
7 even believe that, but, y'all, from outward appearances -- and,  
8 again, I don't know what's in anybody's heart. I don't want to  
9 judge anybody's heart, but from outward appearances it doesn't  
10 appear that way to the judge presiding from reading the  
11 transcript of your meetings or what's in the newspaper accounts  
12 about what's going on that that's the paramount issue.

13 And I don't know this, and it's not my place to know,  
14 but I'll bet I'm not the only one. I bet I'm not the only one.  
15 I bet some of y'all have probably heard that. What are y'all  
16 doing? I might be wrong.

17 Go ahead.

18 MS. TAYLOR: Yes, Your Honor.

19 And the other concern we had was the slow response time  
20 for providing information in order for us to assess the  
21 district's compliance with their desegregation obligations.

22 And one example could be that we made a request in June  
23 to provide accurate addresses for students, and it took a Court's  
24 order in October -- the Court's ruling was in September, but they  
25 produced it five months later.

1           So I say all of that to say that if it's going to take  
2 us five months to receive documentation to move forward, it's  
3 going to take some time for us to assess the effectiveness of  
4 their plan, and the plan I'm referring to is the plan that we are  
5 currently reviewing.

6           And another example, we had asked for attendance zone  
7 maps. We asked for them in September and we got them today. I  
8 understand the school district is trying to do the best they can  
9 with what they have, but we do have to kind of try to be more  
10 efficient with the flow of information so that we can make an  
11 assessment about their desegregation compliance.

12           THE COURT: Well, let me just tell you what I'm going  
13 to do on that right now. I'm going to enter an order here to  
14 Mr. Nassif, Superintendent Nassif, to designate somebody on the  
15 central office staff to be the contact person for Mr. Caswell to  
16 go to with the instruction to Superintendent Nassif that I expect  
17 a ten business day turnaround on any requests that Mr. Caswell  
18 gets from the government so that Mr. Caswell can make a response,  
19 and if that's not possible because of some technical issue about  
20 getting the data, that Superintendent Nassif write to Mr. Caswell  
21 what the problem is and that Mr. Caswell send a copy of that to  
22 the government, to the original plaintiffs and to the Court to be  
23 filed in the record so we've got a paper trail in this proceeding  
24 about what it is the government's asked for and what it is the  
25 school district's position is. That ought to clear it up and it

1 shouldn't be overly burdensome on anybody except it's yet another  
2 duty -- another duty of the central office.

3           And, again, you know, I don't want to question  
4 anybody's motives, I really don't, but I read this stuff. I  
5 mean, I guess your constituents read it, but I don't understand.

6           I mean, I looked at the minutes of the executive  
7 committee -- or the report, rather, and there may be a good  
8 reason why each of the school board members wants to receive  
9 copies of all contracts from consultants, insurance, copy  
10 machines, any kind of contract that the school board is to renew.

11           I mean, there may be a reason for that, but the only  
12 reason I bring it up in this juncture is because I've just put  
13 another duty on somebody in the central office and ordered  
14 Mr. Nassif to do it. I don't know how long -- I don't know how  
15 many contracts they've got, but if it's the typical operation  
16 with the size it is, I suspect several hundred, and you get to  
17 copy that times 13. You gather them up from all the various  
18 departments and you copy them and then you send them out to the  
19 school board.

20           Maybe -- I don't know. I'm not even going to ask for a  
21 vote of the school board here, but if you had all the copies and  
22 if it was -- just say it was several feet high, how many of them  
23 would actually look at it, much less read them. I mean, maybe  
24 you'd get seven of them to say that's what we want and I guess  
25 they're entitled to it. I mean, they obviously are entitled to

1 anything they want under the state law, but I'm just wondering  
2 about the resources, but, again, that's not something for the  
3 federal judge to be overly concerned about except that I just put  
4 something on the central office.

5 Just think about it. Use the limited resources you've  
6 got in that office prudently, ladies and gentlemen. That's the  
7 only thing I suggest to you, but, again, that's your business.  
8 You're the people's elected representatives and you'll call that  
9 shot.

10 Ms. Taylor.

11 MS. TAYLOR: And, Your Honor, finally we wanted to --  
12 since we have the board's ear, to encourage the board to try to  
13 support its superintendent. We think one of the best ways that  
14 could be is to perhaps consider, as other school districts have  
15 done, hiring a desegregation compliance officer or whatever  
16 officer you think would be prudent as the board in order to  
17 facilitate the exchange of information and to ensure that  
18 compliance is occurring.

19 I think the board -- it may be something the board  
20 should consider given that there are these longstanding concerns  
21 that we have and I think it would very much be a good idea.  
22 That's obviously -- you know, that's a call that you'll have to  
23 make. It's just a suggestion, but, as I said, given the recent  
24 concerns we've had, I think it may be something you should  
25 seriously consider.

1 THE COURT: Well, let me just say this. I'm familiar  
2 with the concept. We have -- that's the situation over in  
3 Evangeline. I think it's facilitated a lot of the transfer of  
4 this information back and forth. It was able to -- I don't want  
5 to say cut out the lawyers, but not have to involve the lawyers.

6 And, again, school board members, I'm not -- I don't  
7 have a dog in the hunt about which plan, whatever has been  
8 submitted to you, what's before you, what y'all might come up  
9 with. And, remember, it could be facilitator, coordinator,  
10 supervisor, director, or somebody from the classroom that's a  
11 good go-getter. Y'all figure that out, but I think that's a  
12 great suggestion. It's helped in Evangeline. Has it cured much?  
13 It really hasn't, but at least it's facilitated the flow of  
14 information.

15 So thank you, Ms. Taylor. Anything else?

16 MS. TAYLOR: No, Your Honor.

17 THE COURT: Ms. Vincent.

18 MS. VINCENT: Nothing further, Your Honor.

19 THE COURT: Mr. White.

20 MR. WHITE: We have nothing.

21 THE COURT: All right. Mr. Caswell.

22 MR. CASWELL: Yes, Your Honor. We do have a couple of  
23 issues that I think the parties are aware of and Your Honor is  
24 aware of, that, of course, we have to come before the Court for  
25 permission to expend funds.

1           On the agenda this afternoon at the meeting is an item  
2 for the board to consider with regard to a salary supplement, a  
3 13<sup>th</sup> check if you will, given to all of the employees. It has  
4 been in the finance committee meeting minutes. It's been in  
5 other committee meeting minutes prior to now. It's been in the  
6 press.

7           There is a supplement on the board this afternoon that  
8 if I'm correct, Mr. Nassif, will actually cost the board  
9 approximately \$1.6 million dollars. It is to be funded by the  
10 sales tax account that is dedicated to salaries as well as a  
11 property millage tax that is dedicated to salaries.

12           And the board, of course, will have to vote on that  
13 issue this afternoon. I do not know whether the board will vote  
14 favorably to do so or not, but since we were here, I thought it  
15 would be prudent that I bring it before the Court for the Court's  
16 consideration since we are required to get that kind of approval.

17           And I would point out to the Court to me that what is  
18 significant is that it is coming from dedicated tax accounts that  
19 are for salaries, both a sales tax and a property tax, a property  
20 millage that is dedicated to salaries.

21           THE COURT: Well, Mr. Caswell, let me say, first of  
22 all, I was aware of it. I do appreciate you bringing it to my  
23 attention, but let me also say, you know, one of the things --  
24 and I've been accused of a lot of things, but one of the things  
25 that I'm not supposed to do as a United States District Judge is

1 give advisory opinions.

2 This is a work in progress that the board may or may  
3 not approve. I suspect I know what they're going to do, but I  
4 don't know that. So until it's on my plate, I would rather not  
5 say, yeah, I'll do it, that if y'all vote for it, I'm for it.

6 Now, like I say, I get a lot of credit or discredit,  
7 whatever -- I guess discredit for a lot of things. And, you  
8 know, one of the reasons the founders set up our system the way  
9 they set it up is that, boy or girl, you've got this job for  
10 life. All you've got to do is follow your oath to follow the  
11 law. You don't have to worry about running for reelection, you  
12 know.

13 I can't imagine, though, if I were on that school board  
14 I wouldn't be for it, especially if I understood -- and I do  
15 because this is the same thing we've had in years past from the  
16 previous administration. This is the only thing that money can  
17 be spent for anyhow.

18 MR. CASWELL: Yes, sir.

19 THE COURT: And it does no good other than on some  
20 occasions -- that's not true because in the past -- and  
21 Mr. Manuel can -- well, I don't want him to correct me right now,  
22 but I think I'm right, but he'll know because he had to explain  
23 it to me. There were reasons why you needed to have some  
24 reserves there to do some other things and it just kind of  
25 gee-hawed with the long-term direction, but that's not a

1 situation that I'm aware of, but I can't approve it before they  
2 approve it.

3 MR. CASWELL: Very good.

4 THE COURT: I'm aware of the situation, but, again,  
5 that does, ladies and gentlemen of the school board, illustrate  
6 my point. Isn't that kind of ridiculous after 42 and a half  
7 years that you've got to come to Tucker Melancon to get me to  
8 approve that? Isn't that ridiculous? I think it's ridiculous,  
9 but it won't go away until y'all let it go away.

10 Go ahead, Mr. Caswell.

11 MR. CASWELL: The other item may fall under the same  
12 type of category, but I did want to bring to the Court's  
13 attention that a roof repair is needed at Grand Prairie  
14 Elementary.

15 As Your Honor knows, we recently approved QZAB funding  
16 for -- mostly for roof repairs as well as some air conditioning  
17 repairs. Grand Prairie was not on the list, but has since had  
18 its roof deteriorate further to the point that it is literally  
19 raining into the gymnasium. The entire school uses the  
20 gymnasium. They can't even get on top of the roof to inspect it  
21 because it makes the damage worse. It is that bad. It's a metal  
22 roof.

23 The Buildings, Lands and Sites Committee considered  
24 this item. It is going to the full board today for approval to  
25 bid that project out because it's going to have to be bid out,

1 but I just wanted to make the Court aware of it because I know it  
2 hits the newspapers and I didn't want the Court to not hear it  
3 from me when I'm reporting what's going on.

4 THE COURT: I very much appreciate that.

5 And, again, I would trust that everybody in this room,  
6 even those people that think I've screwed this case up royally  
7 and don't like me to boot, would think that I'd probably do the  
8 right thing once it was submitted to me.

9 And Ms. Taylor stands. So I guess she wants to say  
10 something about it.

11 Ms. Taylor, what have you got to say about it?

12 MS. TAYLOR: Only that I'm surprised that there is an  
13 issue here, and I request if there's any requests for repairs,  
14 that we get a copy of them.

15 MR. CASWELL: Absolutely.

16 MS. TAYLOR: Because I was not aware of it.

17 MR. CASWELL: It just came up and you will get a copy.

18 THE COURT: Well, you obviously -- well, I shouldn't  
19 say that. I don't know how I knew about it, but I knew about it.  
20 I thought I must have read it in the newspaper, but maybe I  
21 didn't. I don't know.

22 I started to say you obviously haven't been reading the  
23 paper online like I know you usually do, but I usually do,  
24 although not as much as I used to because when I figured out I  
25 couldn't figure out what was going on, it didn't matter anymore.

1 I just read the transcripts.

2 Go ahead.

3 MR. CASWELL: Other than that, as far as bringing  
4 matters to the Court's attention, Your Honor, I have nothing else  
5 to bring to the Court's attention today.

6 THE COURT: Okay. Well, let me just say this. I don't  
7 want anybody to misconstrue anything I've said here. If you  
8 detected a tone in my voice, I assure you, members of the school  
9 board, it's not anger, but just frustration. It's frustration.

10 And I suspect there are a number of you on that school  
11 board that are probably as frustrated as I am. I don't know who  
12 you are. I don't understand what the alignments are anymore and  
13 it doesn't matter anymore, but I've just got to believe -- and  
14 maybe not as close as I do because they don't get the  
15 transcripts, but they can go online and read it, but I bet you a  
16 bunch of your constituents are looking at it and saying what's  
17 going on?

18 It doesn't look good, and maybe there's a good reason  
19 it doesn't, but remember what each of you would say if you had  
20 the chance. All I care about is what's best for the kids, the  
21 education. Try to keep that in mind and get whatever else is  
22 going on out of it. God bless us all.

23 We're in recess.

24 (Hearing adjourned.)

25

— — —

1 UNITED STATES DISTRICT COURT  
2 WESTERN DISTRICT OF LOUISIANA  
3 LAFAYETTE-OPELOUSAS DIVISION  
4

5 MARILYN MARIE MONTEILH :  
6 vs. : DOCKET NUMBER 65-10912  
7 SCHOOL BOARD OF ST. LANDRY PARISH :  
8

---

9 CERTIFICATE OF REPORTER

10 I, LaRae E. Bourque, Official Court Reporter for the  
11 United States District Court, Western District of Louisiana,  
12 do hereby certify that the foregoing 26 pages are a true and  
13 accurate transcript of the proceedings had in this matter,  
14 as hereabove set forth, and that I have no interest of any  
15 nature whatsoever regarding the ultimate disposition of this  
16 litigation.

17 I further certify that the transcript fees and format  
18 comply with those prescribed by the Court and the Judicial  
19 Conference of the United States.  
20

21  
22  
23 LARAE E. BOURQUE, RPR, CRR  
24 Official Court Reporter  
25